

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MATTHEW DALEY	:	
	:	
v.	:	CIVIL ACTION NO. 22-1119
	:	
NATIONAL RAILROAD PASSENGER	:	
CORPORATION (AMTRAK)	:	

ORDER

AND NOW, this 26th day of July, 2022, upon consideration of the Motion to Dismiss *Motion for Partial Dismissal* (ECF No. 11) and the Stipulation Among the Parties, it is hereby **ORDERED** that the Stipulation is **GRANTED**.

IT IS FURTHER ORDERED that:

1. The Motion is **GRANTED** as unopposed;
2. Plaintiff's claims under the Federal Railroad Safety Act, 49 U.S.C. § 20109, *et al.*, are dismissed *with prejudice*;
3. The Federal Rail Safety Act, Title 49 Sec. 20109, *et al.* of Paragraph 4 of the Amended Complaint is stricken;
4. This Court's jurisdiction over this matter is based solely on the Federal Employer's Liability Act, 45 U.S.C. § 51, *et seq.*;
5. Any damages Plaintiff may be entitled to pursuant to the allegations set forth in the Amended Complaint shall be limited to those recoverable under the Federal Employer's Liability Act, 45 U.S.C. § 51, *et seq.*; and
6. Amtrak shall file its Answer to Plaintiff's Amended Complaint within fourteen (14) days of this Order.

IT IS ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Surrick", is written over a horizontal line.

R. BARCLAY SURRICK, J.